

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Miles Lacross,

CIVIL FILE NO. 3922 (JAE/LIB)

Plaintiff(s)

**PLAINTIFF'S STATEMENT
OF THE CASE**

v.

City of Duluth, et al.,

Defendant(s)

The following statement of the case is hereby submitted pursuant to the Court's Pretrial Notice and Order dated January 28, 2011.

1. Concise Statement of Party's (Plaintiff's) Version of Facts: This case involves an action for damages, declaratory and injunctive relief for the Plaintiff claims damages for excessive force and civil rights violations. Defendant Officers approached Plaintiff who was not committing any public offense and pursuant to an illegal and/or unconstitutional municipal policy, the Defendant Police Officers arrested and restrained Lacross. Upon admission to the St. Luke's Hospital, hospital records noted that Plaintiff was in clothing that was soaking wet, that he had been Tasered multiple times, including while Plaintiff was handcuffed by defendants, leaving marks on his back, and with bruising and pain around his left wrist. He also developed contusions on both wrists. Plaintiff claims that Defendant St. Luke's and its staff failed to properly treat and protect Plaintiff and failed

to properly evaluate Plaintiff's injuries as part of ongoing action in concert with Duluth to fail to prevent or report police misconduct.

2. A Listing of Particularized Facts Which Support Alleged Liability Including Applicable Statutes, by Number:

On or about September 17, 2006, Defendant Officers ("Police Defendants") witnessed Lacross walking on a Duluth public sidewalk. Lacross was walking with his girlfriend, Sierra Kniep. Defendant Officers approached Plaintiff who was not committing any public offense and pursuant to an illegal and/or unconstitutional municipal policy, the Defendant Police Officers arrested and restrained Lacross. Upon admission to the St. Luke's Hospital, hospital records noted that Plaintiff was in clothing that was soaking wet, that he had been Tasered multiple times, including while Plaintiff was handcuffed by defendants, leaving marks on his back, and with bruising and pain around his left wrist. He also developed contusions on both wrists. The same Defendant officers then held Lacross, without cause whereupon they transported him to a detoxification unit and subsequently to St. Luke's Hospital in the Duluth area. While reports indicate Lacross was apprehended at dusk the preceding evening, he did not arrive at St. Luke's admitting until nearly 3:00 AM the following day. Plaintiffs argue that this illegal seizure based on excessive force occurred in violation of the constitutional rights guaranteed by the First, Fourth, Fifth, and Fourteenth Amendments and this action is brought pursuant to 42 U.S.C. §§ 1981, 1983, 1985, 1986 and 1988. This

Court has jurisdiction over these federal claims pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1334(a)(3) and has supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1337.

3. Itemization and Explanation of Claimed Damages

Plaintiff has not yet itemized his damages but Plaintiff claims reasonable civil rights claim based damages in excess of \$50,000.00 and tort-based damages up to the tort limit against Defendant City of Duluth and its offices. Plaintiff bases his damages on the emotional psychological distress, pain and suffering he experienced after being Tasered by Duluth officers and the failure prevent constitutional injury by other sworn officers.

Dated: February 16, 2011

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